



UNITED STATES PATENT AND TRADEMARK OFFICE

MH
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,659	02/09/2001	Jonathan O. Browne	2676-101	4375

6449 7590 08/29/2003

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER

NGUYEN, BINH AN DUC

ART UNIT	PAPER NUMBER
----------	--------------

3713

DATE MAILED: 08/29/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,659

Applicant(s)

BROWNE ET AL.

Examiner

Binh-An D. Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method steps of claim 31 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. Claims 12-14 and 25 are objected to because of the following informalities:

Claim 12 should be rewritten in independent form for clarity.

The preamble of claim 25 should be rewritten such as "The system for playing a game of claim 19, wherein said image of the machine readable game card is formed on a medium selected from the group consisting of:" for clarity.

Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

Art Unit: 3713

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8-12, 15-17, and 19-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Irwin, Jr. et al. (5,471,039).

Irwin, Jr. et al. teaches a system for playing a game, comprising: a machine readable game card; a reader for reading said machine readable game card; a computer connected to said reader; wherein said game is accessible to said computer; wherein said game is played by placing said machine readable game card on said reader and identifying it with said computer; said computer is a mainframe computer (central computer 223); said game is a card game; the machine readable game card comprising: a card with a display surface and a readable surface; at least one path arranged on the readable surface, said path having two terminals; said path having an attribute of a predetermined value measured between said two terminals; an image arranged on the display surface; wherein said predetermined value is associated with said image; wherein, said path is a conductor, a wave guide, and a transmission line; wherein said predetermined value is a resistance; said display surface and said readable surface are the same surface; said path is formed of conductive ink; said two terminals are formed of conductive ink; said card is formed of paper; said image is formed of an a print (Figures 1-37); the reader for reading the machine readable game card comprising a board having a reader; a pair of terminals arranged on said reader; a connector; a circuit connecting said pair of terminals to said connector for carrying a signal, wherein said signal is associated with said predetermined value; wherein said

path terminals on said machine readable game card contact said pair of terminals on said reader when said machine readable game card is placed on said reader, completing said circuit (Figures 17 and 18). See also, columns 1-33.

5. Claims 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearson et al. (5,411,259).

Pearson et al. teaches a system for playing a game, comprising: a machine readable game card; a reader for reading said machine readable game card; a computer (control system 12) connected to said reader; wherein said game is accessible to said computer; wherein said game is played by placing said machine readable game card on said reader and identifying it with said computer; wherein said game is a video game (Figures 1-2 and columns 1-4).

6. Claims 15-18, are rejected under 35 U.S.C. 102(e) as being anticipated by Pieterse et al. (6,080,064).

Pieterse et al. teaches a system for playing a game, comprising: a machine readable game card; a reader for reading said machine readable game card; a computer (9) connected to said reader; wherein said game is accessible to said computer; wherein said game is played by placing said machine readable game card on said reader and identifying it with said computer (Figures 1 and 6); said game is a video game; said computer is connected to the Internet (5:9-24).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7, 13, 14, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin, Jr. et al. (5,471,039) as applied to claims 1-6, 8-12, 15-17, and 19-27 above, and further in view of Pieterse et al. (6,080,064).

Irwin, Jr. et al. teaches all limitations of claims 1-6, 8-12, 15-17, and 19-27. Irwin, Jr. et al. further teaches a method for identifying a game card comprising the steps of: placing the game card in the game card reader, said game card having an image and an attribute of a predetermined value associated with said image; and storing an identification associated with said signal accessible to said computer (30:48-31:63). Irwin, Jr. et al. does not explicitly teach the limitations of: a joystick connector (claims 13 and 28); computer comprises a joystick port (claim 29); connecting a game card reader to the joystick port; receiving a signal at said joystick port associated with a predetermined value (claim 31). Pieterse et al., however, teaches a system and method for playing a game comprising a joystick connector (Figures 1 and 6); computer comprises a joystick port; connecting a game card reader to the joystick port; receiving a signal at said joystick port associated with a predetermined value (Figure 6).

Regarding the limitation of a transducer connected to joystick connector, for converting signal to a form suitable for a joystick port (claims 14 and 30); and installing

Art Unit: 3713

a game on a computer having a joystick port, these limitations are notoriously well known in the computer game industry.

Further, regarding the limitation of display surface and readable surface are different surfaces (claim 7), this limitation is a design choice since it does not bring unexpected result.


It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Irwin, Jr. et al.'s with a system and method for playing a game having a joystick connector, as taught by Pieterse et al., to come up with a video game system that enhances the versatility of utilization predetermined values from machine readable cards thus attracts more game players to different types of games using such system and bring forth more profits.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

BN
BN


Teresa Walberg
Supervisory Patent Examiner
Group 3700